

GENERAL ORDERS, }
No. 113.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, May 2, 1863.

The following rules in relation to claims for property lost in the military service of the United States are published for the information of all concerned:

I. Rules in relation to claims for the payment of HORSES AND EQUIPAGE lost or destroyed in the MILITARY SERVICE of the United States, under act of March 3, 1849.

By the first section of the law it is enacted: That any field or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalry, engaged in the military service of the United States since the 18th June, 1812, or who shall hereafter be in said service, and has sustained or shall sustain damage, without any fault or negligence on his part, while in said service—

1st. By the loss of a horse in battle.

2d. By the loss of a horse wounded in battle, and which has died or shall die of said wound, or, being so wounded, shall be abandoned by order of his officer and lost.

3d. By the loss of a horse by death or abandonment, because of the unavoidable dangers of the sea, when on board a United States transport vessel:

Because the United States failed to supply transportation for the horse, and the owner was compelled, by order of his commanding officer, to embark and leave him:

In consequence of the United States failing to supply sufficient forage:

Because the rider was dismounted and separated from his horse, and ordered to do duty on foot at a station detached from his horse:

When the officer in the immediate command ordered or shall order the horse turned out to graze in the woods, prairies, or commons, because the United States failed or shall fail to supply sufficient forage, and the loss was or shall be consequent thereof.

4th. By the loss of necessary equipage in consequence of the loss of his horse, as aforesaid :

Shall be allowed and paid the value thereof, not to exceed two hundred dollars :

Provided, That if any payment has been or shall be made to any one aforesaid for the use and risk, or for forage, after the death, loss, or abandonment of his horse, said payment shall be deducted from the value thereof, unless he satisfied or shall satisfy the paymaster at the time he made or shall make the payment, or thereafter show by proof that he was remounted, in which case the deductions shall only extend to the time he was on foot: *And provided also*, If any payment shall have been or shall hereafter be made to any person above mentioned, on account of clothing to which he was not entitled by law, such payment shall be deducted from the value of his horse or accoutrements.

RULES OF EVIDENCE.

To establish a claim under either of the foregoing provisions, the claimant must furnish the evidence of the officer under whose command he was serving when the loss occurred, if alive, or if dead, then the next surviving officer, describing the property, the value thereof at the time of entering the service, the time when, place where, and manner in which the loss occurred, and whether or not it was without any fault or negligence on the part of the claimant. The claimant must himself state the facts above required, and also whether or not he has received from any officer or agent of the government a horse or equipage in lieu of that lost by him, or any compensation for the same; also whether the horse or equipage lost had not been furnished by the United States or purchased from some quartermaster; and if so, the name of the officer from whom purchased and the price paid therefor. If the property was appraised at the time the same was taken into the United States service, the original valuation list or certified statement of the value as appraised should be furnished.

In cases where the loss is alleged to have occurred "because the United States failed to supply transportation for the horse, and the owner was compelled, by the order of his commanding officer, to embark and leave him," the affidavit of the claimant must, in addition to the declaration above mentioned, declare "that he did, in obedience to the order of his commanding officer, leave said horse and equipage,

and that he never sold or otherwise disposed of said horse or equipage, and never received any compensation for either from any person whatever;" and this must be corroborated by the officer who gave the order.

In all cases where the claim extends to *equipage*, the several articles of which the same consisted, and separate value of each, must be specified.

In no case can the foregoing evidence be dispensed with, unless the impracticability of producing it be clearly proved; and then the nearest and best other evidence of which the case is susceptible must be furnished in lieu thereof.

All evidence other than the certificates on honor of officers who, at the time of giving them, were in the military service of the United States, must be sworn to before some judge, justice of the peace, or other person duly authorized to administer oaths, and of which authority proof should accompany the evidence.

All claims under the provisions of this act must be presented to the Office of the Third Auditor of the Treasury Department.

II.—*Rules in relation to claims for the payment of HORSES, MULES, OXEN, &c., in the military service of the United States by IMPRESSMENT or CONTRACT, the risk of which was assumed by the United States, and which shall have been lost or destroyed, as specified.*

The second section of the law relates to property in the military service of the United States by *impressment* or *contract*, and is as follows:

"That any person who has sustained or shall sustain damage, by the capture or destruction by an enemy, or by the abandonment or destruction, by the order of the commanding general, the commanding officer, or quartermaster, of any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the service of the United States, *either by impressment* or *contract*, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner; and any person who has sustained or shall sustain damage, by the death or abandonment and loss of any such horse, mule, or ox, while in the service aforesaid, in consequence of the failure on the part of the United States to furnish the same with sufficient forage; and any person who has lost, or shall lose, or has had, or shall have destroyed by unavoidable accident, any horse, mule, ox,

wagon, cart, boat, sleigh, or harness, while such property was in the service aforesaid, shall be allowed and paid the value thereof at the time he entered the service: *Provided*, It shall appear that such loss, capture, abandonment, destruction, or death was without any fault or negligence on the part of the owner of the property, and while it was actually employed in the service of the United States."

To establish a claim under this provision, it is necessary to produce the testimony of the officer or agent of the United States who *impressed* or *contracted for* the service of the property mentioned in such claim, describing the property, showing when and in what manner it was taken into the service, the reasons and necessity therefor, the manner in which it was employed, and the value thereof when taken into the service. The officer in whose charge the property was at the time of loss must also state the time, place, and manner in which the loss happened, and whether or not it was sustained without any fault or negligence on the part of the owner. In cases where the property was in the service by *contract*, the rate of compensation to be allowed must appear, and also whether or not the risk to which it would be exposed was agreed to be incurred by the owner; and in cases of horses, mules, or oxen lost for want of forage, whether the same was to be furnished by the owner or by the United States.

Each claim must be accompanied by a deposition of the claimant, declaring that he "has not received from any officer or agent of the United States any horse, mule, wagon, cart, &c., (as the case may be,) in lieu of the property lost, nor any compensation for the same," nor any certificate of indebtedness or certified voucher therefor on which payment has or might be made. The claim must be supported by the original valuation list if the property was appraised at the time of being taken into the United States service; if no appraisement was made, the best attainable evidence as to the value thereof may be received.

All evidence other than the certificates of officers who, at the time of giving them, were in the military service of the United States, must be sworn to before some judge, justice of the peace, or other person duly authorized to administer oaths, and of which authority proof should accompany the evidence.

In no case can the production of the evidence above described be dispensed with, unless the impracticability of producing it be clearly

proved; and then the nearest and best other evidence of which the case is susceptible must be furnished in lieu thereof.

III.. *Rules in relation to claims for STEAMBOATS, and other VESSELS, and RAILROAD ENGINES AND CARS, lost or destroyed while in the service of the United States BY IMPRESSMENT OR CONTRACT.*

By the 2d section of "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849, it is enacted as follows:

"That any person who has sustained or shall sustain damage, by the capture or destruction by an enemy, or by the abandonment or destruction by the order of the commanding general, the commanding officer, or quartermaster, of any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, *either by impressment or contract*, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner; and any person who has sustained or shall sustain damage by the death or abandonment and loss of any such horse, mule, or ox, while in the service aforesaid, in consequence of the failure on the part of the United States to furnish the same with sufficient forage; and any person who has lost, or shall lose, or has had, or shall have destroyed, by unavoidable accident, any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the service aforesaid, shall be allowed and paid the value thereof at the time he entered the service: *Provided*, It shall appear that such loss, capture, abandonment, destruction, or death was without any fault or negligence on the part of the owner of the property, and while it was actually employed in the service of the United States."

By the 5th section of "An act to promote the efficiency of the Corps of Engineers, and of the Ordnance Department, and for other purposes," approved March 3, 1863, it is enacted:

"SEC. 5. *And be it further enacted*, That section two of the act approved March three, eighteen hundred and forty-nine, entitled 'An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States,' shall be construed to include the steamboats and other vessels, and 'railroad engines and cars,' in the property to be allowed and paid for when destroyed or lost under the circumstances provided for in said act."

To establish a claim for a steamboat or other vessel under the above provision, it will be necessary to produce the following testimony:

If the steamboat, or vessel, was in the service of the United States by *contract*, the charter-party, or a certified copy thereof, must be filed with the evidence in support of the claim.

It must be shown in what particular branch of the military service the boat was engaged—whether transporting troops, freight, or otherwise; and whether or not the risk to which it would be exposed was agreed to be incurred by the owner.

If in the service by *impressment*, the evidence of the officer by whom the impressment was made must be furnished, showing when and where such impressment was made; by what authority or under whose order; the reasons therefor; and whether such boat was, at the time of loss, actually employed in the transportation of troops, supplies, or otherwise in the military service of the United States.

Complete evidence of ownership must be furnished. The owners must state when, where, and from whom the boat was purchased, and the price paid. The names and residences of all the owners must appear, together with their separate interests therein. The bills of sale, or certified copy thereof, must accompany the papers.

A complete description of the boat must be given, showing when and where the same was built; the trade in which she was employed previous to being taken into the United States service; her capacity for freight and passengers; the number, description, and power of engines; the number and size of boilers; extreme length and width, number of decks, depth of draft; whether side or stern wheels; and the last certificate of inspection, or a certified copy thereof, must also be furnished.

Evidence must be furnished showing the particular circumstances attending the loss, when and where it occurred; also whether the loss was total or only partial; and if the latter, the extent of damage done.

A statement must be furnished showing the respective payments made, by officers or agents of the United States, for or on account of the services of said vessel, or steamboat, during the time she was employed in the service prior to the loss thereof.

The owners, in each case, must make affidavit that they have not, by themselves or agents, received from any officer or agent of the United States any property in lieu of that lost or destroyed, nor any compen-

sation for the same, nor any certificate of indebtedness or certified voucher therefor on which payment has been or might be made. The owners must also state what insurance, if any, was had on such vessel or boat; the names of the companies in which insured; the amounts thereof, and the payments received therefrom.

Each witness must state his place of residence and business, and his opportunities for knowing the facts concerning which he testifies. All evidence must be sworn to before some officer authorized to administer oaths, and duly authenticated.

RAILROAD ENGINES AND CARS.

The evidence to substantiate claims of this description should be, as far as applicable, the same as is required in the cases of steamboats and other vessels. Claims for losses occurring from casualties while engaged in the transportation of troops, supplies, &c., and where the roads, machinery, &c., are in the possession and management of the agents of the railroad, are not embraced in this class of cases.

In no case can the foregoing evidence be dispensed with, unless the impracticability of producing it be clearly proved; and then the nearest and best other evidence of which the case is susceptible must be furnished in lieu thereof.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,
Assistant Adjutant General.